

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-581

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 8, 2008Codification
District of
Columbia
Official Code

2001 Edition

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To amend, on a temporary basis, the Washington Convention Center Authority Act of 1994 to authorize the use of the new convention center vault space by the new convention center hotel for certain purposes and to authorize an underground airspace lease in addition to vault permits.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "New Convention Center Hotel Temporary Amendment Act of 2008".

Sec. 2. The Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1201.01 *et seq.*), is amended as follows:

(a) A new section 703a is added to read as follows:

"Sec. 703a. Use of new convention center vault space.

"(a) Notwithstanding any other provision of law, with respect to the airspace located below the portion of N Street, N.W., between 7th and 9th Streets, N.W., and 9th Street, N.W., between and including N Street, N.W., and Massachusetts Avenue, N.W., and the adjoining sidewalks abutting the new convention center in which the Authority was permitted to construct, and has constructed, a portion of the new convention center, including loading docks, access ramps, and associated driveways, the Authority may enter into one or more agreements with Marriott International, Inc., or its designee, to permit Marriott International, Inc., or its designee to:

"(1) Use the new convention center's access ramp and associated driveways;

"(2) Construct and maintain within such airspace access ways from the new convention center's access ramp and associated driveways for the purpose of entering and exiting from the proposed loading docks of the new convention center hotel and such other purposes as may be authorized by the Authority; and

"(3) Construct, operate, and maintain within such airspace a pedestrian connector between the new convention center hotel and the new convention center.

"(b) The agreement regarding the pedestrian connector authorized under subsection (a) of this section may provide that Marriott International, Inc., or its designee, shall be responsible for the operation and maintenance of the pedestrian connector and, if so provided, that the Authority shall pay 50% of the costs to operate and maintain the pedestrian connector."

(b) Section 704 (D.C. Official Code § 10-1202.24) is amended to read as follows:

"Sec. 704. Authority for vault space permit or airspace lease.

"Notwithstanding any other provision of law, the Mayor may issue a permit or airspace

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lease to Marriott International, Inc., or its designee, for vault space or airspace adjacent to the real property subject to the leases referenced in sections 702 and 703, having a term not to exceed 99 years, or such longer period as may be otherwise determined by the Mayor, and at no additional rent or fee, except as may be otherwise determined by the Mayor, but otherwise in accordance with the District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1156; D.C. Official Code § 10-1101.01 *et seq.*), and the District of Columbia Public Space Utilization Act, approved October 17, 1968 (82 Stat. 1166; D.C. Official Code § 10-1121.01 *et seq.*), as applicable.”.

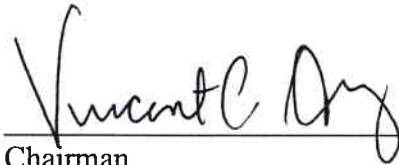
Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

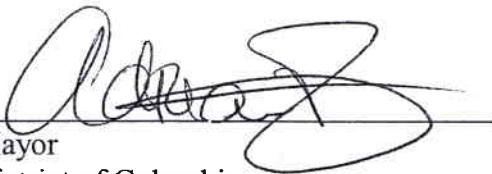
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 8, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-582

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 8, 2008

*Codification
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To amend, on a temporary basis, Chapter 8 of Title 47 of the District of Columbia Official Code to provide that the owner of a property that is receiving erroneously the homestead deduction and senior/disabled real property tax relief has a duty to inform the Chief Financial Officer that the benefits and those available to low-income property owners shall be rescinded prospectively on the sale of real property to a non-qualifying purchaser, and that a former owner that received the benefits shall be personally liable for the amount of benefits improperly received.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Real Property Tax Benefits Revision Temporary Act of 2008”.

Sec. 2. Chapter 8 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-845.02(m) is amended by adding 2 new sentences at the end to read as follows:

Note,
§ 47-845.02

“Any tax certificate shall indicate whether the real property is receiving the deferral under this section and the amount of deferred real property tax, interest thereon, and penalties. If a tax certificate does not contain the foregoing information, the eligible owner, and not the real property, shall be personally liable for the amount of deferred real property tax, interest thereon, and penalties.”.

(b) Section 47-845.03(o) is amended by adding 2 new sentences at the end to read as follows:

Note,
§ 47-845.03

“Any tax certificate shall indicate whether the real property is receiving the deferral under this section and the amount of deferred real property tax, interest thereon, and penalties. If a tax certificate does not contain the foregoing information, the eligible owner, and not the real property, shall be personally liable for the amount of deferred real property tax, interest thereon, and penalties.”.

(c) Section 47-850.02 is amended as follows:

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(1) Subsection (b) is amended as follows:

(A) Paragraph (1) is amended by striking the word "applicant" wherever it appears and inserting the phrase "applicant (or current owner if there is no applicant)" in its place.

(B) Paragraphs (4) and (5) are amended by striking the phrase "(for which notification is required under this subsection)".

(C) A new paragraph (6) is added to read as follows:

"(6)(A) Notwithstanding the rescissions of the deduction pursuant to paragraphs (4) and (5) of this subsection, if all of the applicant's ownership interest in the real property is transferred to a new owner, shareholder, or member who does not apply or qualify for the deduction, the real property shall be entitled to the apportioned amount of the deduction applicable to the installment payable during the half tax year during which the ownership interest was transferred. At the end of such half tax year, the deduction shall cease.

"(B) If the applicant purchases another real property or interest in a housing cooperative for which he or she shall make application for the deduction, and the application and purchase occurs during the same half tax year when the transfer occurred, §§ 47-850(d), 47-850.01(b), and 47-850.04 shall not apply to the extent that both real properties may benefit from the deduction during that half tax year and, thereafter, only the newly purchased real property or housing cooperative in which the applicant acquired newly an interest shall benefit from the applicant's deduction.

"(C) Notwithstanding the foregoing, a real property shall not benefit from more than one deduction in any half tax year; provided, that in the case of a housing cooperative, the real property shall not benefit from more than one deduction related to a dwelling unit in any half tax year."

(2) Subsection (c)(1) is amended as follows:

(A) Strike the word "applicant" the first time it appears and insert the phrase "applicant or former owner, and not the real property" in its place.

(B) Strike the word "applicant" the second time it appears and insert the phrase "applicant or former owner" in its place.

(d) Section 47-850.03 is amended by striking the phrase "47-850.01" and inserting the phrase "47-850.01 and for the credit provided in § 47-864.01" in its place.

(e) Section 47-863 is amended as follows:

(1) Subsection (f) is amended as follows:

(A) Paragraph (1) is amended by striking the word "applicant" wherever it appears and inserting the phrase "applicant (or former owner if there is no applicant)" in its place.

(B) Paragraphs (4) and (5) are amended by striking the phrase "(for which notification is required under this subsection)".

(C) A new paragraph (6) is added to read as follows:

"(6)(A) Notwithstanding the rescissions of the deduction pursuant to paragraphs

Note,
§ 47-850.02

Note,
§ 47-850.03

Note,
§ 47-863

ENROLLED ORIGINAL

(4) and (5) of this subsection, if the applicant's required ownership interest in the real property is transferred to a new owner, shareholder, or member who does not apply or qualify for the deduction, the real property shall nevertheless be entitled to the apportioned amount of the deduction applicable to the installment payable during the half tax year during which such ownership interest was transferred. At the end of the half tax year, the deduction shall cease.

"(B) If the applicant purchases another real property or interest in a housing cooperative for which he or she shall make application for the deduction, and the application and purchase occurs during the same half tax year when the transfer occurred, subsections (i) and (j) of this section shall not apply to the extent that both real properties may benefit from the deduction during that half tax year and, thereafter, only the newly purchased real property or housing cooperative in which the applicant acquired newly an interest shall benefit from the applicant's deduction.

"(C) Notwithstanding the foregoing, a real property shall not benefit from more than one deduction in any half tax year; provided, that in the case of a housing cooperative, the real property shall not benefit from more than one deduction related to an eligible household in any half tax year."

(2) Subsection (g)(1) is amended as follows:

(A) Strike the word "applicant" the first time it appears and insert the phrase "applicant or former owner, and not the real property" in its place.

(B) Strike the word "applicant" the second time it appears and insert the phrase "applicant or former owner" in its place.

(3) Subsection (l) is amended by striking the word "decrease" and inserting the word "deduction" in its place.

(f) Section 47-864.01 is amended as follows:

(1) A new subsection (c-1) is added to read as follows:

"(c-1) Notwithstanding any other provision of this section, if the entire interest in the real property is transferred to a new owner and the real property no longer qualifies as a homestead pursuant to § 47-850 or § 47-851, the real property shall be entitled to the credit applicable to the installment payable during the half tax year during which the ownership interest was transferred. At the end of the half tax year, the credit shall cease."

(2) Subsection (d)(3) is amended striking the word "back" and inserting the phrase "back, except as set forth in subsection (c-1) of this section" in its place.

Sec. 3. Applicability.

(a) Section 2(c)(1)(A) and (B), 2(c)(2), 2(e)(1)(A) and (B), and 2(e)(2) shall apply for tax years beginning after September 30, 2001.

(b) Section 2(c)(1)(C) and 2(e)(1)(C) shall apply as of January 2, 2007.

Note,
§ 47-864.01

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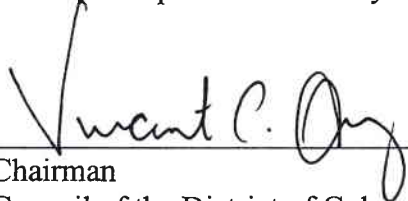
Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

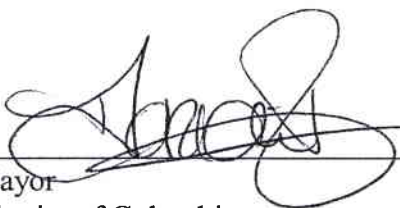
Sec. 5. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 8, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-583

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 8, 2008

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To amend, on a temporary basis, Chapter 10 of Title 47 of the District of Columbia Official Code to correct the corporate name of SOME, Inc., and to clarify the tax exemptions for these properties are contingent upon use restrictions during the federal low-income housing tax credit compliance period.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "SOME, Inc. Technical Amendments Temporary Act of 2008".

Sec. 2. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by striking the phrase "47-1078. So Others Might Eat, Inc." and inserting the phrase "47-1078. SOME, Inc." in its place.

(b) Section 47-1078 is amended as follows:

(1) Strike the phrase "So Others Might Eat, Inc." wherever it appears and insert the phrase "SOME, Inc." in its place.

(2) Strike the phrase "Inc.:" and insert the phrase "Inc., or the property continues to be under applicable use restrictions during a federal low-income housing tax credit compliance period:" in its place.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

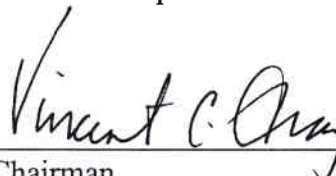
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

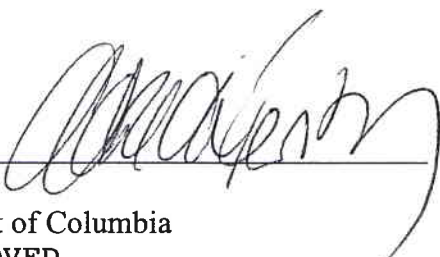
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December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 8, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-584

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend, on a temporary basis, the Prevention of Child Abuse and Neglect Act of 1977 to establish that an individual with a certain criminal conviction, or who lives with other adults with certain criminal convictions, shall be disqualified from receiving a license, approval, or permission to adopt or foster a child or to otherwise have custody of a child as legal guardian, kinship caregiver, or custodian pursuant to court order under section 16-2320 of the District of Columbia Official Code, to identify a list of felony convictions for which an individual, despite a certain conviction, or the conviction of an adult living in the home of the individual, may qualify for approval, licensure, or permission to adopt or foster a child or to otherwise have custody of a child as legal guardian, kinship caregiver, or custodian pursuant to court order under section 16-2320 of the District of Columbia Official Code, if, after a discretionary agency review, a determination is made that the approval, licensure, or permission would be consistent with the health, safety, and welfare of the child, and to establish that in such cases funds that would otherwise be available under Title IV-E of the Social Security Act for adoption-assistance payments or foster-care-maintenance payments shall not be made on behalf of the child; and to amend section 16-308 of the District of Columbia Official Code to permit the court to dispense with an investigation, report, and interlocutory decree, but not a criminal records check, under specified circumstances.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Adoption and Safe Families Continuing Compliance Temporary Amendment Act of 2008".

Sec. 2. Section 506 of the Prevention of Child Abuse and Neglect Act of 1977, effective June 27, 2000 (D.C. Law 13-136; D.C. Official Code § 4-1305.06), is amended as follows:

(a) Subsection (b) is amended as follows:

(1) The lead-in language is amended by striking the phrase "Except as provided in subsection (d) of this section, an" and inserting the word "An" in its place.

(2) Paragraph (5) is amended by striking the phrase "homicide, assault or battery"

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and inserting the phrase "or homicide, but not including other physical assault or battery" in its place.

(b) Subsection (c) is amended as follows:

(1) The lead-in language is amended as follows:

(A) Strike the phrase ", or an adult residing in the home of the individual,".

(B) Strike the phrase "check that the individual" and insert the phrase "check that the individual, or an adult residing in the home of the individual," in its place.

(2) Paragraph (1) is repealed.

(c) Subsection (d) is amended to read as follows:

"(d) Notwithstanding the requirements of subsection (c) of this section, an individual may be approved, licensed, or permitted as set forth in subsection (a) of this section if:

"(1) The individual has a felony conviction for any of the offenses listed in subsection (c) of this section and, after a discretionary agency review of the conviction and current circumstances, it is determined that an approval, licensure, or permission would be consistent with the health, safety, and welfare of children; provided, that any adoption-assistance payments or foster-care-maintenance payments made on behalf of a child to an individual pursuant to this paragraph shall not be made with federal funds provided through Title IV-E of the Social Security Act, approved June 17, 1980 (94 Stat. 500; 42 U.S.C. § 670 *et seq.*); or

"(2) An adult residing in the home of the individual, but not the individual who seeks to be approved, licensed, or permitted as set forth in subsection (a) of this section, has a felony conviction for any of the offenses listed in subsection (c) of this section and, after a discretionary agency review of the conviction and current circumstances, it is determined that an approval, licensure, or permission would be consistent with the health, safety, and welfare of children."

Sec. 3. Section 16-308 of the District of Columbia Official Code is amended to read as follows:

Note,
§ 16-308

"§ 16-308. Investigations when prospective adoptee is adult or petitioner is spouse of natural parent.

"(a) The court may dispense with the investigation, report, and interlocutory decree provided for by this chapter when:

"(1) The prospective adoptee is an adult; or

"(2) The petitioner is a spouse of the natural parent of the prospective adoptee and the natural parent consents to the adoption or joins in the petition for adoption.

"(b) In the circumstances specified in subsection (a)(2) of this section, the petition need not contain the information concerning race and religion specified in § 16-305(4) and (5).

"(c) Nothing in this section shall be construed to waive the requirements of §§

ENROLLED ORIGINAL

4-1305.01 through 4-1305.09, including the requirement of a fingerprint-based criminal records check.".


Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

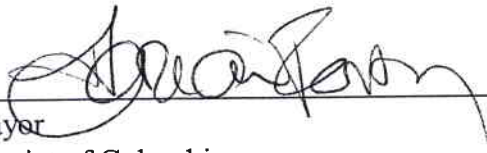
(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman

Council of the District of Columbia



Mayor

District of Columbia

APPROVED

December 8, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-585

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend, on a temporary basis, Chapter 38 of Title 47 of the District of Columbia Official Code to provide for real property tax rebates for supermarkets that would qualify for the existing real property tax exemption but for the inability of the landlord to pass the tax abatement onto the supermarket.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Neighborhood Supermarket Tax Relief Clarification Temporary Act of 2008".

Sec. 2. Chapter 38 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

"47-3805. Supermarket real property tax rebate."

(b) A new section 47-3805 is added to read as follows:

"§ 47-3805. Supermarket real property tax rebate.

"(a) For the purposes of this section, the term "qualified supermarket" means a qualified supermarket, as defined in § 47-3801(2), for which all of the requirements for the real property tax exemption provided by § 47-1002(23), other than § 47-1002(23)(B)(iii), are satisfied.

"(b) Beginning October 1, 2007, if a qualified supermarket leases real property (or a portion thereof) that is subject to tax under Chapter 8 of Title 47, the qualified supermarket shall receive a rebate of the tax that represents the qualified supermarket's pro rata share of the tax levied for the tax year on the real property (or portion thereof) that the qualified supermarket leases if:

"(1) The qualified supermarket is liable under the lease for its pro rata share of the tax;

"(2) An application for the rebate of the tax is made on or before December 31st of the succeeding tax year; and

"(3) The lessor paid the tax.

ENROLLED ORIGINAL

“(c) The rebate shall be the amount of the pro rata share of the tax paid by the qualified supermarket as required by the lease.

“(d) The application shall include:

“(1) A copy of the lease; and

“(2) Documentation that the tax has been paid, as required by the Mayor.

“(e) If a proper application has been made, the Mayor shall rebate the tax to the qualified supermarket on or before March 1st of the succeeding tax year.

“(f) Any rebates authorized under this section shall be paid from the General Fund of the District of Columbia.”.

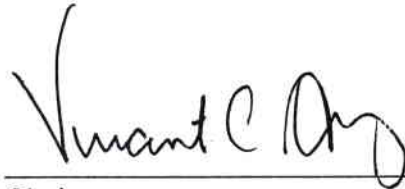
Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

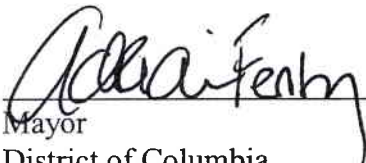
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 8, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-586

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 8, 2008*Codification
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To amend, on a temporary basis, the Washington Metropolitan Area Transit Regulation Compact to allow the Mayor of the District of Columbia to select the agency to be represented by the Commissioner representing the District of Columbia on the Washington Metropolitan Area Transit Commission, and to provide that changes to the composition of the Washington Metropolitan Area Transit Commission shall not result in the removal from office of any current Commissioners before the expiration of their terms.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Washington Metropolitan Area Transit Commission District of Columbia Commissioner Temporary Amendment Act of 2008”.

Sec. 2. Section 1 of Article III of Title I of the Washington Metropolitan Area Transit Regulation Compact, approved September 15, 1960 (74 Stat. 1031; D.C. Official Code § 9-1103.01), is amended as follows:

Note,
§ 9-1103.01

(a) Subsection (a) is amending by striking the phrase “from the Public Service Commission of the District of Columbia” and inserting the phrase “from a District of Columbia agency with oversight of matters relating to the Commission” in its place.

(b) A new subsection (d) is added to read as follows:

“(d) An amendment to Section 1(a) of this Article shall not affect any member in office on the amendment’s effective date.”.

Sec. 3. Applicability.

This act shall apply upon the adoption by the State of Maryland and the Commonwealth of Virginia of the amended language in section 2, and the consent or approval of the United States Congress.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal

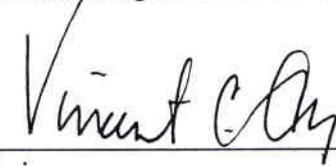
ENROLLED ORIGINAL

impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).


Sec. 5. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 8, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-587

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 8, 2008

To authorize, on a temporary basis, the issuance of District of Columbia general obligation tax revenue anticipation notes to finance general governmental expenses for the fiscal year ending September 30, 2009.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2009 Tax Revenue Anticipation Notes Temporary Act of 2008".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Additional Notes" means District general obligation revenue anticipation notes described in section 9 that may be issued pursuant to section 472 of the Home Rule Act and that will mature on or before September 30, 2009, on a parity with the notes.

(2) "Authorized delegate" means the City Administrator, the Chief Financial Officer, or the Treasurer to whom the Mayor has delegated any of the Mayor's functions under this act pursuant to section 422(6) of the Home Rule Act.

(3) "Available funds" means District funds required to be deposited with the Escrow Agent, receipts, and other District funds that are not otherwise legally committed.

(4) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel or co-bond counsel from time to time by the Chief Financial Officer.

(5) "Chief Financial Officer" means the Chief Financial Officer established pursuant to section 424(a)(1) of the Home Rule Act.

(6) "City Administrator" means the City Administrator established pursuant to section 422(7) of the Home Rule Act

(7) "Council" means the Council of the District of Columbia.

(8) "District" means the District of Columbia.

(9) "Escrow Agent" means any bank, trust company, or national banking association with requisite trust powers designated to serve in this capacity by the Chief Financial Officer.

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(10) "Escrow Agreement" means the escrow agreement between the District and the Escrow Agent authorized in section 7.

(11) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(12) "Mayor" means the Mayor of the District of Columbia.

(13) "Notes" means one or more series of District general obligation revenue anticipation notes authorized to be issued pursuant to this act.

(14) "Receipts" means all funds received by the District from any source, including, but not limited to, taxes, fees, charges, miscellaneous receipts, and any moneys advanced, loaned, or otherwise provided to the District by the United States Treasury, less funds that are pledged to debt or other obligations according to section 9 or that are restricted by law to uses other than payment of principal of, and interest on, the notes.

(15) "Secretary" means the Secretary of the District of Columbia.

(16) "Treasurer" means the Treasurer of the District of Columbia established pursuant to section 424(a)(2) of the Home Rule Act.

Sec. 3. Findings.

The Council finds that:

(1) Under section 472 of the Home Rule Act, the Council may authorize, by act, the issuance of general obligation revenue anticipation notes for a fiscal year in anticipation of the collection or receipt of revenues for that fiscal year. Section 472 of the Home Rule Act provides further that the total amount of general obligation revenue anticipation notes issued and outstanding at any time during a fiscal year shall not exceed 20% of the total anticipated revenue of the District for that fiscal year, as certified by the Mayor, as of a date not more than 15 days before each original issuance of the notes.

(2) Under section 482 of the Home Rule Act, the full faith and credit of the District is pledged for the payment of the principal of, and interest on, any general obligation revenue anticipation note.

(3) Under section 483 of the Home Rule Act, the Council is required to provide in the annual budget sufficient funds to pay the principal of, and interest on, all general obligation revenue anticipation notes becoming due and payable during that fiscal year, and the Mayor is required to ensure that the principal of, and interest on, all general obligation revenue anticipation notes is paid when due, including paying the principal and interest from funds not otherwise legally committed.

(4) The Chief Financial Officer has advised the Council that, based upon the Chief Financial Officer's projections of anticipated receipts and disbursements during the fiscal year ending September 30, 2009, it may be necessary for the District to borrow to a sum not to exceed \$500 million, an amount that does not exceed 20% of the total anticipated revenue of the District for such fiscal year, and to accomplish the borrowing by issuing general obligation revenue anticipation notes in one or more series.

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(5) The issuance of general obligation revenue anticipation notes in a sum not to exceed \$500 million is in the public interest.

Sec. 4. Note authorization.

(a) The District is authorized to incur indebtedness by issuing the notes pursuant to sections 472 and 482 of the Home Rule Act, in one or more series, in a sum not to exceed \$500 million, to finance its general governmental expenses, in anticipation of the collection or receipt of revenues for the fiscal year ending September 30, 2009.

(b) The Chief Financial Officer is authorized to pay from the proceeds of the notes the costs and expenses of issuing and delivering the notes, including, but not limited to, underwriting, legal, accounting, financial advisory, note insurance or other credit enhancement, marketing and selling the notes, and printing costs and expenses.

Sec. 5. Note details.

(a) The notes shall be known as "District of Columbia Fiscal Year 2008 General Obligation Tax Revenue Anticipation Notes" and shall be due and payable, as to both principal and interest, on or before September 30, 2009.

(b) The Chief Financial Officer is authorized to take any action necessary or appropriate in accordance with this act in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the notes, including, but not limited to, determinations of:

- (1) The final form, content, designation, and terms of the notes, including any redemptions applicable thereto and a determination that the notes may be issued in book-entry form;
- (2) Provisions for the transfer and exchange of the notes;
- (3) The principal amount of the notes to be issued;
- (4) The rate or rates of interest or the method of determining the rate or rates of interest on the notes; provided, that the interest rate or rates borne by the notes of any series shall not exceed in the aggregate 10% per year calculated on the basis of a 365-day year (actual days elapsed); provided, further, that if the notes are not paid at maturity, the notes may provide for an interest rate or rates after maturity not to exceed in the aggregate 15% per year calculated on the basis of a 365-day year (actual days elapsed);
- (5) The date or dates of issuance, sale, and delivery of the notes;
- (6) The place or places of payment of principal of, and interest on, the notes;
- (7) The designation of a registrar, if appropriate, for any series of the notes, and the execution and delivery of any necessary agreements relating to the designation;
- (8) The designation of paying agent(s) or escrow agent(s) for any series of the notes, and the execution and delivery of any necessary agreements relating to such designations; and
- (9) Provisions concerning the replacement of mutilated, lost, stolen, or destroyed notes.

ENROLLED ORIGINAL

(c) The notes shall be executed in the name of the District and on its behalf by the manual signature of the Mayor or an authorized delegate. The official seal of the District or a facsimile of it shall be impressed, printed, or otherwise reproduced on the notes. If a registrar is designated, the registrar shall authenticate each note by manual signature and maintain the books of registration for the payment of the principal of, and interest on, the notes and perform other ministerial responsibilities as specifically provided in its designation as registrar.

(d) The notes may be issued at any time or from time to time in one or more issues and in one or more series.

Sec. 6. Sale of the notes.

(a) The notes of any series shall be sold at negotiated sale pursuant to a purchase contract or at competitive sale pursuant to a bid form. The notes shall be sold at a price not less than par plus accrued interest from the date of the notes to the date of delivery thereof. The purchase contract or bid form shall contain the terms that the Chief Financial Officer considers necessary or appropriate to carry out the purposes of this act. The Chief Financial Officer's execution and delivery of the purchase contract or bid form shall constitute conclusive evidence of the Chief Financial Officer's approval, on behalf of the District, of the final form and content of the notes. The Chief Financial Officer shall deliver the notes, on behalf of the District, to the purchasers upon receiving the purchase price provided in the purchase contract or bid form.

(b) The Chief Financial Officer may execute, in connection with each sale of the notes, an offering document on behalf of the District, and may authorize the document's distribution in relation to the notes.

(c) The Chief Financial Officer shall take actions and execute and deliver agreements, documents, and instruments (including any amendment of or supplement to any such agreement, document, or instrument) in connection with any series of notes as required by or incidental to:

- (1) The issuance of the notes;
- (2) The establishment or preservation of the exclusion from gross income for federal income tax purposes of interest on the notes, the treatment of interest on the notes as not constituting an item of tax preference for purposes of the federal alternative minimum tax ("non-AMT"), if the notes are originally issued as non-AMT notes, and the exemption from District income taxation of interest on the notes (except estate, inheritance, and gift taxes);
- (3) The performance of any covenant contained in this act, in any purchase contract for the notes, or in any escrow or other agreement for the security thereof;
- (4) The provision for securing the repayment of the notes by a letter or line of credit or other form of credit enhancement, and the repayment of advances under any such credit enhancement, including the evidencing of such a repayment obligation with a negotiable instrument with such terms as the Chief Financial Officer shall determine; or
- (5) The execution, delivery, and performance of the Escrow Agreement, a purchase contract, or a bid form for the notes, a paying agent agreement, or an agreement

ENROLLED ORIGINAL

relating to credit enhancement, if any, including any amendments of any of these agreements, documents, or instruments.

(d) The notes shall not be issued until the Chief Financial Officer receives an approving opinion of Bond Counsel as to the validity of the notes and the establishment or preservation of the exclusion from gross income for federal income tax purposes of the interest on the notes and, if the notes are issued as non-AMT notes, the treatment of such interest as not an item of tax preference for purposes of the federal alternative minimum tax, and the exemption from the District income taxation of the interest on the notes (except estate, inheritance, and gift taxes).

(e) The Chief Financial Officer shall execute a note issuance certificate evidencing the determinations and other actions taken by the Chief Financial Officer for each issue or series of the notes issued and shall designate in the note issuance certificate the date of the notes, the series designation, the aggregate principal amount to be issued, the authorized denominations of the notes, the sale price, and the interest rate or rates on the notes. The Chief Financial Officer shall certify in a separate certificate, not more than 15 days before each original issuance of a series, the total anticipated revenue of the District for the fiscal year ending September 30, 2009, and that the total amount of all general obligation revenue anticipation notes issued and outstanding at any time during the fiscal year will not exceed 20% of the total anticipated revenue of the District for the fiscal year. These certificates shall be delivered at the time of delivery of the notes and shall be conclusive evidence of the actions taken as stated in the certificates. A copy of each of the certificates shall be filed with the Secretary to the Council not more than 3 days after the delivery of the notes covered by the certificates.

Sec. 7. Payment and security.

(a) The full faith and credit of the District is pledged for the payment of the principal of, and interest on, the notes when due.

(b) The funds for the payment of the notes shall be irrevocably deposited with the Escrow Agent pursuant to the Escrow Agreement. The funds shall be used for the payment of the principal of, and interest on, the notes when due, and shall not be used for other purposes so long as the notes are outstanding and unpaid.

(c) The notes shall be payable from available funds of the District, including, but not limited to, any moneys advanced, loaned, or otherwise provided to the District by the United States Treasury, and shall evidence continuing obligations of the District until paid in accordance with their terms.

(d) The Chief Financial Officer may, without regard to any act or resolution of the Council now existing or adopted after the effective date of this act, designate an Escrow Agent under the Escrow Agreement. The Chief Financial Officer may execute and deliver the Escrow Agreement, on behalf of the District and in the Chief Financial Officer's official capacity, containing the terms that the Chief Financial Officer considers necessary or appropriate to carry out the purposes of this act. A special account entitled "Special Escrow for Payment of District of Columbia Fiscal Year 2009 General Obligation Tax Revenue Anticipation Notes" is

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created and shall be maintained by the Escrow Agent for the benefit of the owners of the notes as stated in the Escrow Agreement. Funds on deposit, including investment income, under the Escrow Agreement may not be used for any purposes except for payment of the notes or, to the extent permitted by the Home Rule Act, to service any contract or other arrangement permitted under subsections (k) or (l) of this section, and may be invested only as provided in the Escrow Agreement.

(e) Upon the sale and delivery of the notes, the Chief Financial Officer shall deposit with the Escrow Agent to be held and maintained as provided in the Escrow Agreement all accrued interest and premium, if any, received upon the sale of the notes.

(f)(1) The Chief Financial Officer shall set aside and deposit with the Escrow Agent funds in accordance with the Escrow Agreement at the time and in the amount as provided in the Escrow Agreement.

(2) If Additional Notes are issued pursuant to section 9(b), and if on the date set forth in the Escrow Agreement, the aggregate amount of principal and interest payable at maturity on the outstanding notes, including any Additional Notes, less all amounts on deposit, including investment income, under the Escrow Agreement exceeds 90% of the actual receipts of District taxes (other than special taxes or charges levied pursuant to section 481(a) of the Home Rule Act, and taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act), for the period August 15, 2008, until September 30, 2009, beginning on the date set forth in the Escrow Agreement, the Chief Financial Officer shall promptly, upon receipt by the District, set aside and deposit with the Escrow Agent the receipts received by the District after the date set forth in the Escrow Agreement, until the aggregate amount of principal and interest payable at maturity on the outstanding notes, including any Additional Notes as described above, is less than 90% of actual receipts of District taxes (other than special taxes or charges levied pursuant to section 481(a) of the Home Rule Act, and taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act).

(3) The District covenants that it shall levy, maintain, or enact taxes due and payable during August 1, 2009, through September 30, 2009, to provide for payment in full of the principal of and interest on the notes when due. The taxes referred to in this paragraph shall be separate from special taxes or charges levied pursuant to section 481(a), or taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act.

(4) The District covenants that so long as any of the notes are outstanding, it shall not grant, create, or permit the existence of any lien, pledge, or security interest with respect to its taxes due and payable during the period August 1, 2009, through September 30, 2009, or commit or agree to set aside and apply those tax receipts to the payment of any obligation of the District other than the notes. The taxes referred to in this paragraph shall not include special taxes or charges levied pursuant to section 481(a), or taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act, or any real property tax liens created or arising in any fiscal year preceding the issuance of the notes.

(g) Before the 16th day of each month, beginning in August 2009, the Chief Financial

ENROLLED ORIGINAL

Officer shall review the current monthly cash flow projections of the District, and if the Chief Financial Officer determines that the aggregate amount of principal and interest payable at maturity on the notes then outstanding, less any amounts and investment income on deposit under the Escrow Agreement, equals or exceeds 85% of the receipts estimated by the Chief Financial Officer to be received after such date by the District but before the maturity of the notes, the Chief Financial Officer shall promptly, upon receipt by the District, set aside and deposit with the Escrow Agent the receipts received by the District on and after that date until the aggregate amount, including investment income, on deposit with the Escrow Agent equals or exceeds 100% of the aggregate amount of principal of and interest on the notes payable at their maturity.

(h) The Chief Financial Officer shall, in the full exercise of the authority granted the Chief Financial Officer under the Home Rule Act and under any other law, take actions as may be necessary or appropriate to ensure that the principal of and interest on the notes are paid when due, including, but not limited to, seeking an advance or loan of moneys from the United States Treasury if available under then current law. This action shall include, without limitation, the deposit of available funds with the Escrow Agent as may be required under section 483 of the Home Rule Act, this act, and the Escrow Agreement. Without limiting any obligations under this act or the Escrow Agreement, the Chief Financial Officer reserves the right to deposit available funds with the Escrow Agent at his or her discretion.

(i) There are provided and approved for expenditure sums as may be necessary for making payments of the principal of, and interest on, the notes, and the provisions of the District of Columbia Appropriations Act, 2009, if enacted prior to the effective date of this act, relating to short-term borrowings are amended and supplemented accordingly by this section, as contemplated in section 483 of the Home Rule Act.

(j) The notes shall be payable, as to both principal and interest, in lawful money of the United States of America in immediately available or same-day funds at a bank or trust company acting as paying agent, located in the District, and at not more than 2 co-paying agents that may be located outside the District, one of which shall be located in New York, New York. All of the paying agents shall be qualified to act as paying agents under the laws of the United States of America, of the District, or of the state in which they are located, and shall be designated by the Chief Financial Officer without regard to any other act or resolution of the Council now existing or adopted after the effective date of this act.

(k) In addition to the security available for the holders of the notes, the Chief Financial Officer is hereby authorized to enter into agreements, including any agreement calling for payments in excess of \$1 million during fiscal year 2009, with a bank or other financial institution to provide a letter of credit, line of credit, or other form of credit enhancement to secure repayment of the notes when due. The obligation of the District to reimburse the bank or financial institution for any advances made under any such credit enhancement shall be a general obligation of the District until repaid and shall accrue interest at the rate of interest established by the Chief Financial Officer not in excess of 15% per year until paid.

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(l) The District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01), and the Financial Institutions Deposit and Investment Amendment Act of 1997, effective March 18, 1998 (D.C. Law 12-56; D.C. Official Code § 47-351.01 *et seq.*), shall not apply to any contract which the Chief Financial Officer may from time to time determine to be necessary or appropriate to place, in whole or in part, including:

- (1) An investment or obligation of the District as represented by the notes;
- (2) An investment or obligation or program of investment; or
- (3) A contract or contracts based on the interest rate, currency, cash flow, or other basis as the Chief Financial Officer may desire, including, without limitation, interest rate swap agreements; currency swap agreements; insurance agreements; forward payment conversion agreements; futures; contracts providing for payments based on levels of, or changes in, interest rates, currency exchange rates, or stock or other indices; contracts to exchange cash flows or a series of payments; and contracts to hedge payment, currency, rate, spread, or similar exposure, including, without limitation, interest rate floors, or caps, options, puts, and calls. The contracts or other arrangements also may be entered into by the District in connection with, or incidental to, entering into or maintaining any agreement that secures the notes. The contracts or other arrangements shall contain whatever payment, security, terms, and conditions as the Chief Financial Officer may consider appropriate and shall be entered into whatever party or parties the Chief Financial Officer may select, after giving due consideration, where applicable, to the creditworthiness of the counterparty or counterparties, including any rating by a nationally recognized rating agency or any other criteria as may be appropriate. In connection with, or incidental to, the issuance or holding of the notes, or entering into any contract or other arrangement referred to in this section, the District may enter into credit enhancement or liquidity agreements, with payment, interest rate, termination date, currency, security, default, remedy, and any other terms and conditions as the Mayor determines. Proceeds of the notes and any money set aside for payment of the notes or of any contract or other arrangement entered into pursuant to this section may be used to service any contract or other arrangement entered into pursuant to this section.

Sec. 8. Defeasance.

(a) The notes shall no longer be considered outstanding and unpaid for the purpose of this act and the Escrow Agreement, and the requirements of this act and the Escrow Agreement shall be deemed discharged with respect to the notes, if the Chief Financial Officer:

- (1) Deposits with an Escrow Agent, herein referred to as the "defeasance escrow agent," in a separate defeasance escrow account, established and maintained by the Escrow Agent solely at the expense of the District and held in trust for the note owners, sufficient moneys or direct obligations of the United States, the principal of and interest on which, when due and payable, will provide sufficient moneys to pay when due the principal of, and interest payable at maturity on, all the notes; and

ENROLLED ORIGINAL

(2) Delivers to the defeasance escrow agent an irrevocable letter of instruction to apply the moneys or proceeds of the investments to the payment of the notes at their maturity.

(b) The defeasance escrow agent shall not invest the defeasance escrow account in any investment callable at the option of its issuer if the call could result in less than sufficient moneys being available for the purposes required by this section.

(c) The moneys and direct obligations referred to in subsection (a)(1) of this section may include moneys or direct obligations of the United States of America held under the Escrow Agreement and transferred, at the written direction of the Chief Financial Officer, to the defeasance escrow account.

(d) The defeasance escrow account specified in subsection (a) of this section may be established and maintained without regard to any limitations placed on these accounts by any act or resolution of the Council now existing or adopted after this act becomes effective, except for this act.

Sec. 9. Additional debt and other obligations.

(a) The District reserves the right at any time to: borrow money or enter into other obligations to the full extent permitted by law; secure the borrowings or obligations by the pledge of its full faith and credit; secure the borrowings or obligations by any other security and pledges of funds as may be authorized by law; and issue bonds, notes, including Additional Notes, or other instruments to evidence the borrowings or obligations. The reserved right with regard to the notes and Additional Notes issued pursuant to sections 471, 472, 475, and 490 of the Home Rule Act shall be subject to this act. No borrowings or other obligations, including Additional Notes, shall be entered into that would require an immediate set-aside and deposit under section 7(g) applied as of the date of the issuance.

(b)(1) The District may issue Additional Notes pursuant to section 472 of the Home Rule Act that shall mature on or before September 30, 2009, and the District shall covenant to set aside and deposit under the Escrow Agreement, receipts, and other available funds for payment of the principal of, and the interest on, the Additional Notes issued pursuant to section 472 of the Home Rule Act on a parity basis with the notes.

(2) The receipts and available funds referred to in subsection (a) of this section shall be separate from the special taxes or charges levied pursuant to section 481(a), and taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act.

(3) Any covenants relating to any Additional Notes shall have equal standing and be on a parity with the covenants made for payment of the principal of, and the interest on, the notes.

(4) If Additional Notes are issued pursuant to section 472 of the Home Rule Act, then the provisions of section 7 shall apply to both the notes and the Additional Notes and increase the amounts required to be set aside and deposited with the Escrow Agent.

(5) As a condition precedent to the issuance of any Additional Notes, the Chief

ENROLLED ORIGINAL

Financial Officer shall deliver a signed certificate certifying that the District is in full compliance with all covenants and obligations under this act and the Escrow Agreement, that no set-aside and deposit of receipts pursuant to section 7(g) applied as of the date of issuance is required, and that no set-aside and deposit will be required under section 7(g) applied immediately after the issuance.

(c) Any general obligation notes issued by the District pursuant to section 471 of the Home Rule Act shall not be scheduled to be due and payable until after the earlier of the following:

- (1) The stated maturity date of all outstanding notes and Additional Notes; or
- (2) The date that an amount sufficient to pay all principal and interest payable at maturity on the notes and the Additional Notes is on deposit with the Escrow Agent.

(d) Revenue notes of the District, which are payable from specified District revenue that is set aside for the payment of the revenue notes and that is included in the amount of receipts estimated by the Chief Financial Officer, pursuant to section 7(g), to be received after the proposed date of issue of the revenue notes and before the maturity of the notes, shall not be issued if a set-aside and deposit of receipts pursuant to section 7(g) applied as of the proposed date of the issuance of revenue notes would be required. In determining, for purposes of this subsection, whether a set aside and deposit would be required, there shall be excluded from receipts estimated by the Chief Financial Officer to be received after the proposed date of issuance of revenue notes and before the maturity of the notes an amount equal to the estimated revenues set aside for the payment of revenue notes.

Sec. 10. Tax matters.

The Chief Financial Officer shall not (1) take any action or omit to take any action, or (2) invest, reinvest, or accumulate any moneys in a manner, that will cause the interest on the notes to be includable in gross income for federal income tax purposes or, if the notes were issued as non-AMT notes, to be treated as an item of tax preference for purposes of the federal alternative minimum tax. The Chief Financial Officer also shall take all actions necessary to be taken so that the interest on the notes will not be includable in gross income for federal income tax purposes or, if the notes were issued as non-AMT notes, be treated as an item of tax preference for purposes of the federal alternative minimum tax.

Sec. 11. Contract.

This act shall constitute a contract between the District and the owners of the notes. To the extent that any acts or resolutions of the Council may be in conflict with this act, this act shall be controlling.

ENROLLED ORIGINAL

Sec. 12. District officials.

(a) The elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the notes or be subject to any personal liability by reason of the issuance of the notes.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the notes shall be valid and sufficient for all purposes, notwithstanding the fact that the official ceases to be that official before delivery of the notes.

Sec. 13. Authorized delegation of authority.

To the extent permitted by the District and federal laws, the Mayor may delegate to the City Administrator, the Chief Financial Officer, or the Treasurer the performance of any act authorized to be performed by the Mayor under this act.

Sec. 14. Maintenance of documents.

Copies of the notes and related documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 15. Information reporting.

(a) Within 3 days after the Chief Financial Officer's receipt of the transcript of proceedings relating to the issuance of the notes, the Chief Financial Officer shall transmit a copy of the transcript to the Secretary to the Council.

(b) The Chief Financial officer shall notify the Council within 30 days of any action taken under section 7(g).

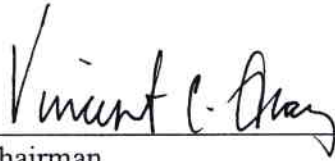
Sec. 16. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer, dated October 20, 2008, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

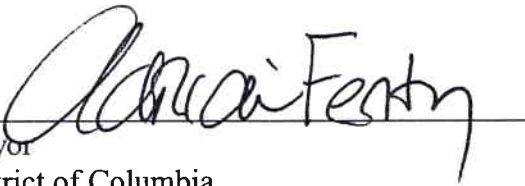
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Sec. 17. Effective date.

This act shall take effect upon enactment as provided in section 472(d)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 806; D.C. Official Code § 1-204.72(d)(1)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 8, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-588

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 8, 2008

To amend, on a temporary basis, the Designated Appropriation Allocations Act of 2008 to authorize the Children and Youth Investment Trust Corporation to utilize up to 3% of the total amount of funds awarded as grants on administrative costs.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2009 Children and Youth Investment Trust Corporation Allowable Administrative Costs Increase Temporary Amendment Act of 2008".

Sec. 2. Section 8002(c)(2) of the Designated Appropriation Allocations Act of 2008, effective August 16, 2008 (D.C. Law 17-219; 55 DCR 7602), is amended by striking the figure "2%" and inserting the figure "3%" in its place.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

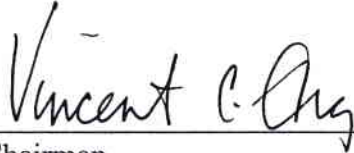
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

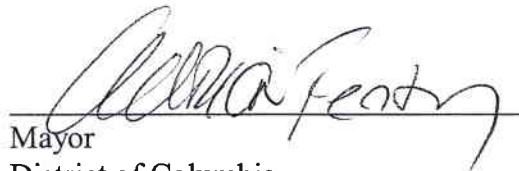
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December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 8, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-589

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 8, 2008

*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Winter
Supp.

West Group
Publisher

To require, on a temporary basis, the Mayor to bury all utility lines along 12th Street, N.E., between Rhode Island Avenue and Michigan Avenue in Ward 5, and for the District to pay to connect the utility lines to private properties out of existing funds budgeted for the 12th Street streetscape project.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Utility Line Temporary Act of 2008” .

Sec. 2. Requirements of utility lines.

(a) The Mayor shall require all utility lines over 12th Street, N.E., between Rhode Island Avenue, N.E., and Michigan Avenue, N.E., in Ward 5, be placed underground and that the District assume fees associated with connecting the utility lines to private businesses, churches, and homes; provided, that funds are sufficient in the budget for the 12th Street streetscape project.

(b) The Mayor shall use all unexpended funds designated for the 12th Street streetscape improvements in Ward 5 for the purposes described in subsection (a) of this section.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

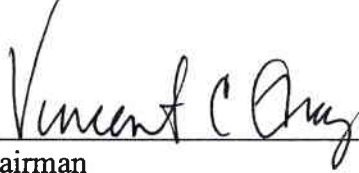
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

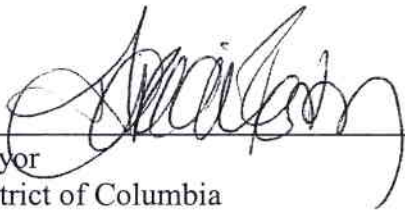
ENROLLED ORIGINAL

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
December 8, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-590

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 8, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Winter
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Publisher

To amend, on a temporary basis, the District of Columbia Public Postsecondary Education Reorganization Act to allow a member of the University of the District of Columbia Board of Trustees to serve beyond the expiration of his or her term until a successor has been appointed and confirmed.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "University of the District of Columbia Board of Trustees Temporary Amendment Act of 2008".

Sec. 2. Section 201(f) of the District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974 (88 Stat. 1424; D.C. Official Code § 38-1202.01(f)), is amended by adding a new sentence at the end to read as follows:

Note,
§ 38-1202.01

"Notwithstanding section 2(c) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(c)), a member shall continue to serve until a successor is appointed and confirmed."

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

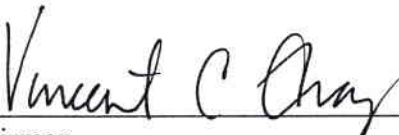
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
December 8, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-591

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 8, 2008Codification
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To amend section 47-2862 of the District of Columbia Official Code to add vehicle conveyance fees to the charges that must be paid before the District will issue certain permits and licenses; to amend the District of Columbia Traffic Act, 1925 and the District of Columbia Traffic Adjudication Act of 1978 to provide for the imposition and collection of a vehicle conveyance fee when an illegally parked vehicle is towed to a public street; and to amend Chapter 24 of Title 18 of the District of Columbia Municipal Regulations to provide for the imposition and collection of a towing and storage fee when an illegally parked vehicle is towed to a privately operated vehicle storage facility.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Vehicle Towing, Storage, and Conveyance Fee Amendment Act of 2008”.

Sec. 2. Section 47-2862(a) of the District of Columbia Official Code is amended as follows:

Amend
§ 47-2862

- (a) Paragraph (4) is amended by striking the word “or” at the end.
- (b) Paragraph (5) is amended by striking the phrase “fees.” and inserting the phrase “fees; or” in its place.
- (c) A new paragraph (6) is added to read as follows:
 - “(6) Owes a vehicle conveyance fee, as that term is defined in § 50-2302.01(i).”.

Sec. 3. The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 50-2201.02) is amended by adding a new paragraph (16) to read as follows:

Amend
§ 50-2201.02

“(16) “Vehicle conveyance fee” shall have the same meaning as provided in section 102(i) of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.02(i)).”.

(b) Section 6(k)(1) (D.C. Official Code § 50-2201.03(k)(1)), is amended by striking the phrase “notices of infraction” and inserting the phrase “notices of infraction or vehicle conveyance fees” in its place.

Amend
§ 50-2201.03

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Sec. 4. The District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.01 *et seq.*), is amended as follows:

(a) Section 102 (D.C. Official Code § 50-2301.02) is amended by adding new paragraphs (h) and (i) to read as follows:

Amend
§ 50-2301.02

“(h) The term “related vehicle conveyance fee” means a vehicle conveyance fee that is related to a civil fine because the imposition of each arises from the same parking infraction.

“(i) The term “vehicle conveyance fee” means the charge for moving (by towing or otherwise) an unattended vehicle parked in violation of any traffic regulation (except overtime parking of less than 24 hours) to a legal parking place, other than at an impoundment facility.”.

(b) Section 305 (D.C. Official Code § 50-2303.05) is amended as follows:

Amend
§ 50-2303.05

(1) Subsection (a)(1)(A) is amended by striking the phrase “civil fine” and inserting the phrase “civil fine and any related vehicle conveyance fee” in its place.

(2) Subsection (c) is amended by striking the phrase “civil fine” and inserting the phrase “civil fine, any related vehicle conveyance fee assessed by the District,” in its place.

(3) Subsection (d) is amended as follows:

(A) Paragraph (1) is amended by striking the period and inserting the phrase “and any related vehicle conveyance fee.” in its place.

(B) Paragraph (2) is amending by striking the phrase “penalties and fines” and inserting the phrase “penalties, fines, and any vehicle conveyance fees” in its place.

(c) Section 306(d) (D.C. Official Code § 50-2303.06(d)) is amended by striking the phrase “appropriate penalties” and inserting the phrase “appropriate penalties and vehicle conveyance fee” in its place.

Amend
§ 50-2303.06

(d) Section 505 (D.C. Official Code § 50-2201.21) is amended to read as follows:

Amend
§ 50-2201.21

“Sec. 505. Rules for towing and impoundment of vehicles, and vehicle conveyance fees. “The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules regarding towing and impoundment of vehicles in connection with enforcement of the District's parking restrictions and to establish the amount of, and implement a system for collecting, a vehicle conveyance fee.”.

Sec. 5. Chapter 24 of Title 18 of the District of Columbia Municipal Regulations is amended as follows:

DCMR

(a) Section 2421 (18 DCMR § 2421) is amended as follows:

(1) Subsection 2421.1 is amended by adding a new sentence at the end to read as follows: “The Director may authorize a vehicle to be towed by, or impounded at a facility operated by, a private tow crane operator.”.

(2) Subsection 2421.2 is amended to read as follows:

“2421.2 The notice, reclamation, and disposition procedures and towing and storage fees set forth in sections 6 through 10 of the Removal and Disposition of Abandoned and Other

ENROLLED ORIGINAL

Unlawfully Parked Vehicles Reform Act of 2003, effective October 28, 2003 (D.C. Law 15-35; D.C. Official Code §§ 50-2421.06 through 50-2421.10), shall apply to any vehicle impounded pursuant to this section at a District government impoundment facility.”

(c) New subsections 2421.8 and 2421.9 are added to read as follows:

“2421.8 The notice, reclamation, and disposition procedures set forth in sections 7, 8, 9(a)(5), (a)(6), and (b), 10, and 11 of the Removal and Disposition of Abandoned and Other Unlawfully Parked Vehicles Reform Act of 2003, effective October 28, 2003 (D.C. Law 15-35; D.C. Official Code §§ 50-2421.07, 50-2421.08, 50-2421.09(a)(5), (a)(6), and (b), 50-2421.10 and 50-2421.11), shall apply to any vehicle impounded under this section at a privately operated storage facility.

“2421.9 If, after a vehicle is reclaimed under subsection 2421.8, the notice of infraction that provided the basis for the impoundment is dismissed by an appropriate administrative tribunal or court, the vehicle owner or operator shall be refunded the cost of booting, towing, and vehicle storage fees paid to reclaim the vehicle.”


(b) Section 2422 is repealed.

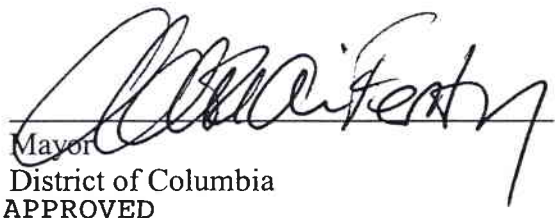
Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 7. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.


 Chairman
 Council of the District of Columbia


 Mayor
 District of Columbia
 APPROVED

December 8, 2008
 Codification District of Columbia Official Code, 2001 Edition

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-592

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 8, 2008Codification
District of
Columbia
Official Code

2001 Edition

2009 Winter
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Publisher

To amend the Placement of Students with Disabilities in Nonpublic Schools Amendment Act of 2006 to require that the state education agency develop and administer a Certificate of Approval process for nonpublic special education schools and programs by January 1, 2009, to prohibit the state education agency from placing students in nonpublic special education schools or programs that use aversive-intervention techniques, to require a site visit and evaluation of each school or program and a determination of whether the school or program uses aversive-intervention techniques before a Certificate of Approval may be issued, to expedite the appeal process if a notice of violation is issued due to the use of aversive-intervention techniques, and to require the state education agency to report to the Council annually on the nonpublic special education schools and programs serving District students and to publicize the report on the District of Columbia Public Schools and the Office of State Superintendent of Education websites.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Protection of Students with Disabilities Amendment Act of 2008".

Sec. 2. The Placement of Students with Disabilities in Nonpublic Schools Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-269; D.C. Official Code § 38-2561.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 38-2561.01) is amended as follows:

(1) Designate the existing paragraph (1) as paragraph (1A).

(2) A new paragraph (1) is added to read as follows:

"(1) "Aversive intervention" means specific strategies for behavioral-treatment intervention, including:

"(A) Noxious, painful, intrusive stimuli or activities that result in pain;

"(B) Any form of noxious, painful, or intrusive spray or inhalant;

"(C) Electric shock or use of a graduated electronic decelerator;

"(D) Pinches and deep muscle squeezes;

"(E) Withholding adequate sleep, shelter, clothing, bedding, or bathroom

Amend
§ 38-2561.01

ENROLLED ORIGINAL

facilities;

“(F) Withholding meals, essential nutrition, or hydration, or intentionally altering staple food or drink to make it distasteful; or

“(G) The use of chemical restraints, instead of positive programs or medical treatments.”.

(3) Paragraph (13) is amended by striking the phrase “District of Columbia Public Schools,” and inserting the phrase “Office of the State Superintendent of Education,” in its place.

(b) Section 103 (D.C. Official Code § 38-2561.03) is amended as follows:

Amend
§ 38-2561.03

(1) Subsection (b)(1) is amended to read as follows:

“(b)(1) Unless the placement of a student has been ordered by a District of Columbia court, federal court, or a hearing officer pursuant to IDEA, no student whose education, including special education or related services, is funded by the District of Columbia government shall be placed in a nonpublic special education school or program that:

“(A) Allows the use of aversive intervention in its policy or practice; or

“(B) Has not received and maintained a valid Certificate of Approval from the SEA in accordance with section 107.”.

(2) A new subsection (d) is added to read as follows:

“(d) If the SEA has reason to believe that a child is a neglected child or is being abused, as those terms are defined in D.C. Official Code § 16-2301(9) and (23), respectively, in an out-of-state nonpublic special education school or program, the SEA shall immediately notify the relevant state’s child welfare agency and the parent or guardian of the child. Upon notification, and with parental or guardian consent, the SEA shall work with the parent or guardian to take immediate steps to ensure the safety and health of the child.”.

(c) Section 107 (D.C. Official Code § 38-2561.07) is amended as follows:

Amend
§ 38-2561.07

(1) Subsection (a) is amended to read as follows:

“(a) The SEA shall develop and administer a Certificate of Approval process for nonpublic special education schools or programs that serve District of Columbia students with disabilities with funding from the District of Columbia government by January 1, 2009. The Certificate of Approval process shall include an evaluation of the nonpublic special education school or program, including an onsite inspection of the operations and facilities of the school or program. The SEA shall issue a Certificate of Approval to a nonpublic special education school or program after determining that:

“(1) The school or program complies with the regulations set forth in Chapters 22, 25, 30, and 38 of Title 5 of the District of Columbia Municipal Regulations, the requirements of this act, and any applicable fire safety, building code, health, and sanitation requirements;

“(2) The types of care being provided by the school or program are consistent with the applicable laws and regulations of the District of Columbia; and

“(3) The school or program prohibits by policy and practice aversive

ENROLLED ORIGINAL

intervention.”.

(2) Subsection (h) is repealed.

(d) Section 111 (D.C. Official Code § 38-2561.11) is amended as follows:

Amend
§ 38-2561.11

(1) Subsection (a) is amended as follows:

(A) Paragraph (5) is amended by striking the word “and” at the end.

(B) Paragraph (6) is amended by striking the phrase “of Approval.” and inserting the phrase “of Approval; and” in its place.

(C) A new paragraph (7) is added to read as follows:

“(7) Allowing aversive intervention in its policy or practice.”.

(2) Subsection (b) is amended as follows:

(A) Paragraph (2) is amended as follows:

(i) Strike the phrase “(2) A nonpublic” and insert the phrase “(2)(A) Except as provided in subparagraph (B) of this paragraph, a nonpublic” in its place.

(ii) A new subparagraph (B) is added to read as follows:

“(B) A nonpublic special education school or program determined to be in violation of subsection (a)(7) of this section may request a hearing before an independent panel of the SEA. The request shall be in writing and submitted to the SEA within 10 days of receipt of the written notice required under paragraph (1) of this subsection. The panel that reviews the SEA decision shall not contain any individual who participated in the decision to issue the original notice.”.

(B) Paragraph (3) is amended as follows:

(i) Strike the phrase “(3) The SEA” and insert the phrase “(3)(A) Except as provided in subparagraph (B) of this paragraph, the SEA” in its place.

(ii) A new subparagraph (B) is added to read as follows:

“(B) If the notice of violation is due to a violation of subsection (a)(7) of this section, the SEA shall hold a hearing within 15 days of receiving a written request, and shall issue its decision no later than 10 days after the hearing. The decision of the SEA panel shall be final and not appealable.”.

(e) A new section 116 is added to read as follows:

“Sec. 116. Reporting requirements.

“(a) The SEA shall report to the Council annually, on or before the 1st day of the school year, for each nonpublic special education school or program:

“(1) The name and location of each nonpublic special education school or program issued or denied a Certificate of Approval by the SEA, including the status of each;

“(2) The number of children assigned to each school or program;

“(3) Any enforcement action that has been taken with respect to the license, Certificate of Approval, or charter of the school or program;

“(4) Any action the school or program has taken, or is taking, with respect to an enforcement action;

“(5) All incident reports, including any report of abuse, neglect, or use of

ENROLLED ORIGINAL

aversive intervention regarding any student placed by the SEA;

“(6) Any investigation taken by the school or program as a result of an incident, including:

“(A) The time it took to complete the investigation;

“(B) Whether the parents or guardian of the student and the SEA have been informed of the report; and

“(C) The progress and outcomes of the investigation, including any action taken by the facility; provided, that the information shall not be reported in a manner that violates any applicable provision of federal, state, or local law relating to the privacy of student information.

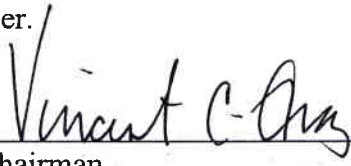
“(b) The report shall be made available to the public on the SEA and DCPS Internet sites.”.

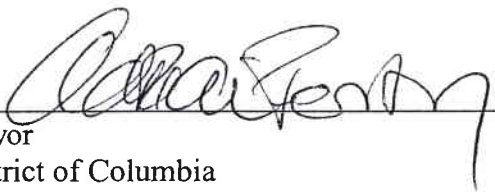
Sec. 3. Fiscal impact statement.

The Council adopts the October 6, 2008 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.


 Chairman
 Council of the District of Columbia


 Mayor
 District of Columbia
 APPROVED

December 8, 2008
 Codification District of Columbia Official Code, 2001 Edition

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-593

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 8, 2008

To amend, on an emergency basis, the Closing of a Public Alley in Square 375, S.O. 06-656, Act of 2006 to include the approval of easements for use of the closed public alley.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of a Public Alley in Square 375, S.O. 06-656, Clarification Emergency Amendment Act of 2008".

Sec. 2. Section 2 of the Closing of a Public Alley in Square 375, S.O. 06-656, Act of 2006, effective March 14, 2007 (D.C. Law 16-291; 54 DCR 987), is amended by adding a new 2nd sentence to read as follows: "The Office of Property Management may grant and receive easements for the use of the closed public alley, including for vehicular and pedestrian access."

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the District of Columbia Surveyor, the District of Columbia Recorder of Deeds, and the Office of the Mayor.

Sec. 4. Fiscal impact statement.

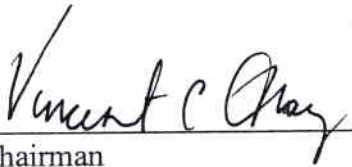
The Council adopts the fiscal impact statement of the Budget Director, dated November 18, 2008, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

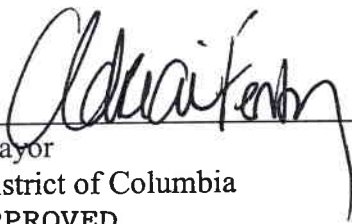
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 8, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-594

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 8, 2008

To approve, on an emergency basis, Change Order No. 1, Change Order No. 2, and proposed Change Order No. 3 to Contract No. DCAM-2007-C-0092 with Minkoff Company, Inc., to replace the Eastern Market roof, and to authorize payment for the services received and to be received under that contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Contract No. DCAM-2007-C-0092 Change Orders Approval and Payment Authorization Emergency Act of 2008”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council approves Change Order No. 1, Change Order No. 2, and proposed Change Order No. 3 to Contract No. DCAM-2007-C-0092 with Minkoff Company, Inc., to replace the Eastern Market roof and authorizes payment in the amount of \$1,086,936 for services received and to be received under that contract.

Sec. 3. Fiscal impact statement.

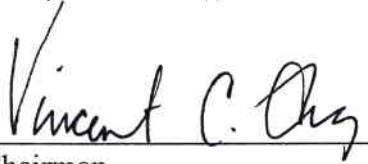
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

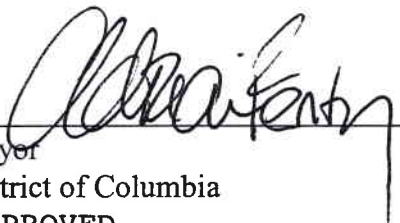
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 8, 2008

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AN ACT
D.C. ACT 17-595

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 8, 2008

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To amend, on an emergency basis, the Fiscal Year 2009 Budget Support Act of 2008 to repeal a provision requiring the Boys and Girls Clubs of Greater Washington to submit for Council approval a plan for its real property in the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Boys and Girls Clubs of Greater Washington Plan Repeal Emergency Amendment Act of 2008".

Note,
§ 47-340.23

Sec. 2. Section 3016 of the Fiscal Year 2009 Budget Support Act of 2008, effective August 16, 2008 (D.C. Law 17-219; 55 DCR 7602), is repealed.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

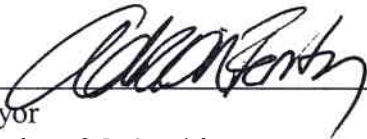
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
December 8, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-596

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 8, 2008Codification
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To amend, on an emergency basis, the Health Occupations Revision Act of 1985 to permit pharmacists licensed in the District of Columbia to administer immunizations and vaccinations when certified by the Board of Pharmacy to do so, to amend the definition of the practice of pharmacy, to amend the definition of prescription to include approved electronic forms, and to allow pharmacists who are certified to administer vaccinations and immunizations to administer emergency anaphylactic treatment pursuant to an approved protocol.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Pharmacy Practice Emergency Amendment Act of 2008".

Sec. 2. The Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), is amended as follows:

(a) Section 102(11) (D.C. Official Code § 3-1201.02(11)) is amended as follows:

(1) Subparagraph (A) is amended to read as follows:

"(A) "Practice of pharmacy" means the interpretation and evaluation of prescription orders; the compounding, dispensing, and labeling of drugs and devices; drug and device selection; responsibility for advising and providing information, where regulated or otherwise necessary, concerning drugs and devices and their therapeutic values, content, hazards, and uses in the treatment and prevention of disease; responsibility for conducting drug-regimen reviews; responsibility for the proper and safe storage and distribution of drugs and devices; the administration of immunizations and vaccinations upon receipt of a written physician protocol and a valid prescription or standing order of a physician when certified by the Board of Pharmacy to do so; conducting health screenings, including obtaining finger-stick-blood samples; the offering or performance of those acts, services, operations, and transactions necessary in the conduct, operation, management, and control of a pharmacy; and the maintenance of proper records therefor."

(2) Subparagraph (B)(ii) is amended by striking the phrase "in writing, dated" and inserting the phrase "in writing, or on an approved electronic form, dated" in its place.

Note,
§ 3-1201.02

ENROLLED ORIGINAL

(b) Section 208 (D.C. Official Code § 3-1202.08) is amended by adding new subsections (f) and (g) to read as follows: Note,
§ 3-1202.08

“(f) An individual licensed to practice pharmacy pursuant to this act may administer immunizations and vaccinations only if certified to do so by the Board and only pursuant to a written protocol and valid prescription or standing order of a physician.

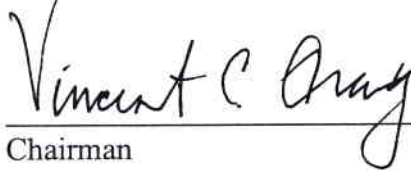
“(g) The Board and the Board of Medicine shall jointly develop and promulgate regulations to implement and regulate the administration of vaccinations and immunizations by pharmacists and to authorize pharmacists certified to administer vaccinations and immunizations to administer emergency anaphylactic reaction treatment pursuant to an approved physician-pharmacist protocol.”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Pharmacy Practice Amendment Act of 2008, passed on 1st reading on November 18, 2008 (Engrossed version of Bill 17-587), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED

December 8, 2008
Codification District of Columbia Official Code, 2001 Edition